EXHIBIT C

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

THOMAS CIENIEWICZ,

Plaintiff,

Civil Action No: 1:22cv172

V.

GHAFOURPOUR, DDS, ET AL.,

Defendants.

AFFIDAVIT

To the Honorable Judges of the Eastern District of Virginia:

- 1. My name is Alex Taylor, MD. I am over the age of twenty-one. In 2021, I was employed by Wellpath, LLC and provided medical services to patients at the Chesapeake Correctional Center (the "Jail"). The information in this Affidavit is based on my personal knowledge and the medical records maintained in the ordinary course of business.
- 2. Over the course of his incarceration at the Jail, Mr. Cieniewicz reported to providers and/or to medical staff various nonurgent ailments that caused him pain including back pain and work-related injuries; therefore, I prescribed pain medication for him. See 2021 Inactive Medication and Medication Administration Record. I prescribed Tylenol or Ibuprofen for Mr. Cieniewicz in low doses and for short periods of time (less than 2 weeks). In late September 2021, I prescribed a low dose of Naproxen for him and left the prescription open or available through early November 2021. The prescriptions were medically indicated, meaning that I had a reasonable and valid medical reason to issue the prescriptions and, because they were to treat his complaints of pain, they were available to him as needed; he was not required to take

them, but was able to take them when he experienced pain. In fact, Mr. Cieniewicz frequently refused the medication.

- 3. In addition to the prescription, Mr. Cieniewicz had the general ability to purchase Ibuprofen or Naproxen from the Jail canteen and occasionally inmates who could not afford to purchase the medication bartered for Ibuprofen. I do not know if Mr. Cieniewicz obtained and took additional Ibuprofen or Naproxen.
- 4. NSAIDs (non-steroidal anti-inflammatory drugs), such as Ibuprofen and Naproxen, are widely used in the United States, with over 70 million prescriptions per year, in addition to over-the-counter availability for even higher usage. In light of this, the risk of stomach ulcers from use of NSAIDs is low. As a protective measure, patients at the Jail taking NSAIDs, including Mr. Cieniewicz, were encouraged and permitted to take their medication with food; however, the onus was on the patient to do so.
- 5. At no time did I believe that Mr. Cieniewicz had or was at a significant risk for stomach ulcers from taking NSAIDs. Mr. Cieniewicz was, at most, at a very low risk for stomach ulcers from use of NSAIDs. For example, he was not elderly, he did not have any liver or kidney problems, and he did not report any history of prior stomach ulcers. My examination of him on September 9, 2021 was a normal abdominal exam. He did not report, and I did not find, any signs or symptoms of gastrointestinal problems. There was also no contraindication for prescribing NSAIDs for Mr. Cieniewicz. At the time, I believed that the pain medication would alleviate his reported pain and I certainly did not believe that the medication would cause him any harm. If Mr. Cieniewicz had reported any gastrointestinal symptoms and if I was made aware of such symptoms, I would have examined Mr. Cieniewicz and would have discontinued the NSAID order.

- 6. At no time did I have any reason to believe that Mr. Cieniewicz had a stomach ulcer. Between January 2021 and November 4, 2021, Mr. Cieniewicz was seen by medical providers for treatment of specific complaints on February 1st (dry skin), April 1st (swelling of 3rd finger on left hand), June 30th (injury to right forearm), August 30th (back injury from fall at work), and September 9th (back pain from fall at work). See 2021 Medical Sick Calls. I personally treated Mr. Cieniewicz on April 1, 2021 and September 9, 2021. At these personal visits with other medical providers and with me, Mr. Cieniewicz did not report any tooth pain, stomach pain, nausea, vomiting, diarrhea, burning sensation, weight loss, fatigue, or gastrointestinal complaints; he did not report any symptoms to suggest that he had a stomach ulcer.
- 7. In addition, the gastroenterology specialist who treated Mr. Cieniewicz during his hospital stay beginning on November 4, 2021 found that Mr. Cieniewicz had chronic conditions, a sliding hiatal hernia and peptic stenosis. See **Procedure Report**. These chronic conditions would have existed before his incarceration at the Jail and have no relationship to the taking of NSAIDs. In addition, Mr. Cieniewicz did not disclose that he had these two (2) conditions to me or any medical staff at the Jail. It is equally as likely, if not more likely, that Mr. Cieniewicz's duodenal ulcers and ulcerative esophagitis were caused by these two (2) chronic, preexisting gastrointestinal conditions and not by the limited intake of NSAIDs at the Jail.
- 7. At no time did I believe that Mr. Cieniewicz had any serious medical condition.

 He did not report any serious chronic conditions and did not report any symptoms of any serious chronic or serious acute conditions.
- 8. I have never had any ill will toward Mr. Cieniewicz. I have always treated him with attention, respect, and good medical care.

- 9. I do not provide dental care to patients. Dental complaints at the Jail were addressed by the attending dentist.
- 10. It is my opinion that the nursing care, including medication administration, provided to Mr. Cieniewicz was timely and appropriate. Medication is administered at the Jail on a timely and regular med pass schedule and, when appropriate, at other times based on the prescription requirements. The medication pass practice at the Jail is standard and reasonable and appropriately addresses the needs of the patients. I have also reviewed Mr. Cieniewicz's medication administration record and he was offered his medications reasonably, regularly, and timely over the course of his incarceration.
- The attached medical records are true and correct to the best of my knowledge and are maintained in the ordinary course of business.

Signature: Alex Taylor, MD

COMMONWEALTH OF VIRGINIA

COUNTY/CITY of Nor folk, to with

This day Alex P. Taylor personally appeared before me, the undersigned Notary Public in the jurisdiction aforesaid, who made oath that the foregoing Affidavit is true and correct to the best of her/his information and belief.

Sworn to and subscribed before me this ______ day of August, 2022.

My Commission expires: Ol / 31 / 2025

Notary Public

Commission No. <u>7548764</u>





Thomas Michael Cieniewicz

#2019-0006511

Moderna- Series Complete, Double Mattress, Veteran, COVID 19- Booster

Viewing 1-10 of 14 Items

Sex: Male
DOB:
Height: 6ft 2in
Weight: 234 lbs
BMI: 30.0
SSN:
Agency: VA1030100
Location: [OUT]
JMS ID: 8393
Allergies:

Tomatoes Spices

Sick Calls

Medical Sick Calls

Triage

- 05/20/2022: C-781 Inmate Worker Medical Clearance
- 05/18/2022: Medical History & Physical Assessment with Mental Health
- 05/13/2022: C-781 Inmate Worker Medical Clearance

Medical

Dental

- 11/09/2021: Kriss Ghafourpour
 10/22/2020: Kriss Ghafourpour
- 11/14/2019: Lloyd Marland

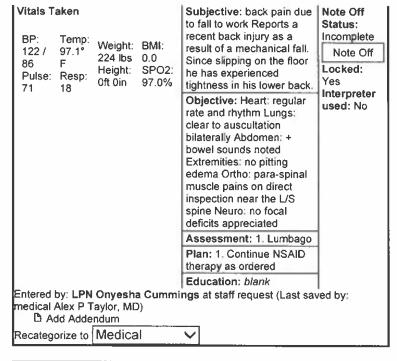
Mental Health

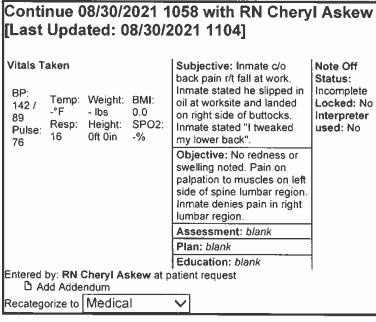
· No recent records

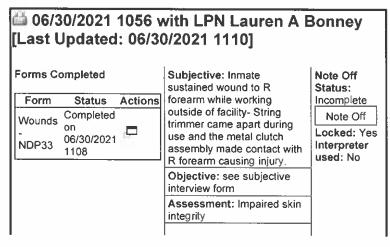
2 🗎 11/12/2021 1126 with medical Alex P Taylor, MD (Task Priority: 1) [Last Updated: 11/13/2021 1204] Vitals Taken Subjective: I/M return **Note Off** from hospital for GI bleed Status: Was hospitalized due to a Incomplete BP: Temp: Weight: BMI: stomach ulcer and 153 / 97.9° Note Off 230 lbs 0.0 underwent a scope 82 Locked: Height: SPO2: Pulse: Resp: procedure where they Oft Oin 99.0% Yes found 2 ulcers. He now 83 16 Interpreter reports that his stomach is used: No much better. Objective: Heart: regular rate noted without murmurs Lungs: pulmonary effort is normal with no respiratory distress or wheezing present Abdomen: soft with active bowel sounds without guarding or rebound tenderness Extremities: no peripheral led edema Neuro: no focal deficits appreciated Assessment: 1. Acute GIB (treated) Plan: 1. Continue PPI therapy for acid suppression along with ferrous supplementation. Will add Vit C to help with iron absorption. Education: blank Entered by: CMA Tony M Poteat at staff request (Last saved by: medical Alex Taylor, MD) Add Addendum Recategorize to Medical

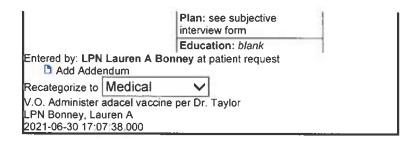
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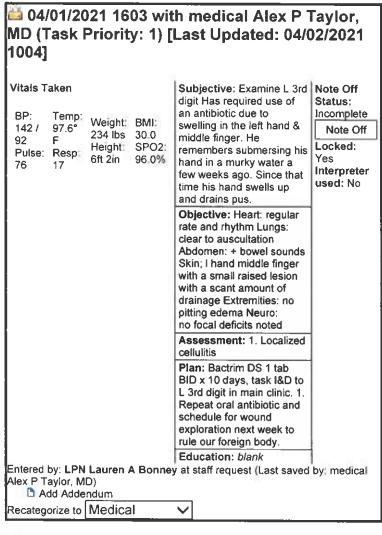
Cummings (Task Priority: 1) [Last Updated: 09/10/2021 1156]

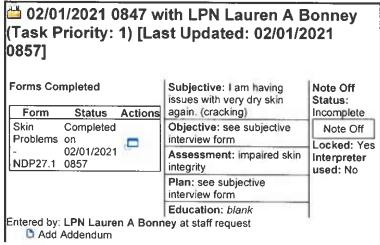












CTM (CHLORPHENIRAMINE)4MG 1 TAB By Mouth BID NDC: 536100610	08/30/2021	09/28/2021	medical Alex P Taylor, MD	Approved 09/08/2021 1524 Discontinued	Sched
CTM (CHLORPHENIRAMINE)4MG 1 TAB [PO] By Mouth BID NDC: 536100610	01/22/2021	01/27/2021	medical Alex P Taylor, MD	Denied 01/28/2021 1009 Discontinued	Sched
DESVENLAFAXINE ER (PRISTIQ)50MG 1 TAB By Mouth QD NDC: 591365930	04/24/2022	05/24/2022	Dr. Amit Shah	Denied 05/02/2022 1029 Discontinued	Sched
Refills Remaining: 1			Dr. Amit Shah	All Taken	Sched
	12/24/2021	02/21/2022	Dr. Amit Shah	All Taken	Sched
DESVENLAFAXINE ER (PRISTIQ)50MG tab by mouth every other day NDC: 591365930	11/09/2021	12/08/2021	Dr. Amit Shah	Approved 11/19/2021 1035 All Taken	Sched
FERROUS SULFATE325MG 1 TAB By Mouth BID NDC: 57896070310 Refills Remaining: 2 FUNGI-NAIL PEN 3ML25% 1 SOL [TP] Topically BID NDC: 55505018751 Refills Remaining: 1	05/16/2022	07/15/2022	medical Alex P Taylor, MD	Approved 05/19/2022 1653 Discontinued	KOP
	03/13/2022	05/11/2022	medical Alex P Taylor, MD	All Taken	КОР
	01/11/2022	03/11/2022	medical Alex P Taylor, MD	All Taken	Sched
	11/09/2021	01/07/2022	medical Alex P Taylor, MD	Approved 11/10/2021 1908 All Taken	КОР
	03/13/2021	04/11/2021	medical Alex P Taylor, MD	Discontinued	кор
	01/07/2021	03/07/2021	medical Alex P Taylor, MD	Discontinued	КОР
	12/06/2020	01/04/2021	medical Alex P Taylor, MD	Approved 12/07/2020 1112 All Taken	Sched
	11/06/2020	12/05/2020	medical Alex P Taylor, MD	Discontinued	КОР
	09/21/2020	10/20/2020	medical Alex P Taylor, MD	Approved 09/23/2020 1648 All Taken	КОР
IBUPROFEN (MOTRIN)600MG 1 TAB By Mouth BID NDC: 64380080807	04/09/2021	04/16/2021	medical Alex P Taylor, MD	Approved 04/14/2021 2113 Discontinued	Sched
IBUPROFEN (MOTRIN)600MG 1 TAB [PO] By Mouth PRN BID NDC: 64380080807	03/25/2021	04/01/2021	medical Alex P Taylor, MD	Approved 03/31/2021 1541 Discontinued	Sched
	03/14/2021	03/21/2021	medical Alex P Taylor, MD	Approved 03/15/2021 1405 Discontinued	Sched
	03/05/2021	03/11/2021	medical Alex P Taylor, MD	Approved 03/09/2021 1950 Discontinued	Sched
	02/25/2021		medical Alex P Taylor, MD	Approved 03/01/2021 1416 All Taken	Sched
	02/17/2021	02/23/2021	medical Alex P Taylor, MD		Sched

				Approved 02/17/2021 2102 All Taken	
IBUPROFEN (MOTRIN)400MG 1 TAB By Mouth BID NDC: 53746046405	09/28/2020	10/04/2020	Dr. Kriss Ghafourpour	Denied 10/06/2020 2056 Discontinued	Sched
IBUPROFEN600MG 1 TAB [BY MOUTH] BY MOUTH TWICE DAILY RX: 27319660 NDC: 53746046505	07/17/2020	07/23/2020	medical Alex P Taylor, MD	Approved 07/17/2020 1330 Discontinued	Sched
IBUPROFEN400MG 1 TAB BY MOUTH TWICE DAILY RX: 27232872 NDC: 53746046405	03/11/2020	03/17/2020	medical Alex P Taylor, MD	Approved 03/12/2020 2052 Discontinued	Sched
	10/31/2019	11/06/2019	medical Alex P Taylor, MD	Approved 10/31/2019 2232 Discontinued	Sched
IBUPROFEN800MG 1 TAB [BY MOUTH] BY MOUTH TWICE DAILY *TAKE WITH FOOD* RX: 25837785 NDC: 67877029605	11/14/2019	11/21/2019	DDS Lloyd Marland	Denied 11/22/2019 0313 Discontinued	Sched
IBUPROFEN400MG 1 TAB [BY MOUTH] BY MOUTH TWICE DAILY RX: 25579780 NDC: 53746046405	10/28/2019	10/30/2019	DDS Lloyd Marland	XDenied 10/31/2019 0509 Discontinued	Sched
	10/23/2019	10/27/2019	medical Alex P Taylor, MD	Approved 10/23/2019 1425 Discontinued	Sched
IBUPROFEN (MOTRIN)400MG 2 TAB [PO] By Mouth BID NDC: 53746046405	01/11/2018	01/21/2018	DDS James Haydu	Approved 01/25/2018 0843 Discontinued	Sched
IBUPROFEN (MOTRIN) 3RD PARTY400MG 1 TAB By Mouth BID NDC: 55111068205	04/19/2022	04/21/2022	medical Alex P Taylor, MD	Denied 04/22/2022 0000 Discontinued	Sched
	05/14/2021	05/16/2021	medical Alex P Taylor, MD	Approved 05/15/2021 1621 Discontinued	Sched
MICONAZOLE ANTIFUNGAL2% 28 GM 1 CREAM Topically BID NDC: 472073556	01/28/2022	02/26/2022	medical Alex P Taylor, MD	Approved 02/18/2022 2032 Discontinued	КОР
MICONAZOLE ANTIFUNGAL2% 28 GM 1 CREAM [TP] Topically TID NDC: 472073556	02/03/2021	02/24/2021	medical Alex P Taylor, MD	Discontinued	КОР
Moderna Covid-19 Vaccine0.5ml 1 IM injection Intramuscularly QD NDC: 80777-273-99	05/12/2021	05/12/2021	medical Alex P Taylor, MD	Approved 04/14/2021 2113 Discontinued	Sched
	04/14/2021	04/14/2021	medical Alex P Taylor, MD	Approved 04/14/2021 2113 Discontinued	Sched
NAPROXEN (NAPROSYN)500MG (On Hold) 1 TAB By Mouth BID NDC: 68462019005	09/20/2021	11/18/2021	medical Alex P Taylor, MD	Approved 09/27/2021 2026 Discontinued	Sched
	09/08/2021	09/15/2021	Dr. Kriss Ghafourpour	Denied 09/16/2021 0000 Discontinued	Sched
	07/26/2021 08/02/2021 Dr. Kriss Ghafourpour				

				Denied 09/08/2021 0843 All Taken	
	07/14/2021	07/21/2021	Dr. Kriss Ghafourpour	Denied 07/23/2021 2342 Discontinued	Sched
	06/28/2021	07/05/2021	Dr. Kriss Ghafourpour	Denied 07/14/2021 1814 All Taken	Sched
PANTOPRAZOLE (PROTONIX)40MG 1 TAB By Mouth QD NDC: 31722071390 Refills Remaining: 2	05/25/2022	07/22/2022	medical Alex P Taylor, MD	Approved 06/06/2022 1153 Discontinued	Sched
	03/26/2022	05/23/2022	medical Alex P Taylor, MD	All Taken	КОР
	01/24/2022	03/24/2022	medical Alex P Taylor, MD	All Taken	КОР
	01/08/2022	03/08/2022	medical Alex P Taylor, MD	Approved 11/10/2021 1908 Discontinued	КОР
PANTOPRAZOLE (PROTONIX)40MG 1 TAB By Mouth BID NDC: 31722071390	11/09/2021	01/07/2022	medical Alex P Taylor, MD	Discontinued	КОР
SMZ/TMP DS800-160MG 1 TAB By Mouth BID NDC: 65862042005	05/31/2022	06/02/2022	medical Alex P Taylor, MD	Denied 06/03/2022 0000 Discontinued	Sched
SMZ/TMP DS800-160MG 1 TAB [PO] By Mouth BID NDC: 65862042005	04/01/2021	04/11/2021	medical Alex P Taylor, MD	Approved 04/02/2021 0008 Discontinued	Sched
	03/25/2021	04/01/2021	medical Alex P Taylor, MD	Approved 03/31/2021 1541 Discontinued	Sched
SM7/TIMB DISCON VENAMO	03/13/2021	03/20/2021	medical Alex P Taylor, MD	Approved 03/15/2021 1405 Discontinued	Sched
SMZ/TMP DS800-160MG 1 TAB [BY MOUTH] BY MOUTH TWICE DAILY *TAKE ON AN EMPTY STOMACH* RX: 27126190 NDC: 53746027205	03/03/2020	03/10/2020	medical Alex P Taylor, MD	Approved 03/03/2020 2040 Discontinued	Sched
TRIAMCINOLONE0.1% 80GM 1 OINT [TP] Topically PRN BID NDC: 713022880 Refills Remaining: 3 TRIAMCINOLONE0.1% 80GM	03/31/2021	05/29/2021	medical Alex P Taylor, MD	Approved 04/02/2021 0008 Discontinued	КОР
1 OINT [TP] Topically BID; large area to be covered	02/01/2021	03/02/2021	medical Alex P Taylor, MD	Discontinued	КОР
TRIAMCINOLONE0.1% 80GM 1 CREAM [PO] By Mouth BID NDC: 45802006436	12/05/2020	01/03/2021	medical Alex P Taylor, MD	Denied 12/05/2020 1751 Discontinued	Sched
TRIAMCINOLONE0.1% 80GM 1 CREAM [TP] Topically BID; Apply to affected areas BID x 30 days NDC: 45802006436 TRIAMCINOLONE0.5% 15GM	12/05/2020	01/03/2021	medical Alex P Taylor, MD	Approved 12/07/2020 1112 Discontinued	КОР
APPLY TO AFFECTED AREA TOPICALLY TWICE DAILY **EXTERNAL USE ONLY** RX: 26037173 NDC: 45802006535		12/17/2019	Taylor, MD	Approved 12/03/2019 2010 Discontinued	КОР
TRIAMCINOLONE0.1% 80GM TOPICALLY DAILY **EXTERNAL USE ONLY** RX: 27126109	03/04/2020	04/02/2020	medical Alex P Taylor, MD	Approved 03/03/2020 2040	KOP

Patient Name:

THOMAS CIENIEWICZ

Account Numer:

700221373365

Date of Birth: Record Number:

1232226 11/5/2021

Date of Procedure: Referring Physician(s):

Endoscopist:

Douglas Howerton

Procedure Performed:

EGD

Indications for Examination:

Instruments:

GIF-HQ190

Medications: Visualization: MAC Anesthesia Good

Tolerance:

Good

Complications:

None

Classes:

Estimated Blood Loss:

None

Extent of Exam:

Second part of duodenum

Prep (for Colonoscopy):

Withdrawal Time (for Colonoscopy):

Procedure Technique: Informed consent was obtained from the patient after explaining all the risks (perforation, bleeding, infection and adverse effects to the medicine), benefits and alternatives to the procedure which the patient appeared to understand and so stated. The patient was connected to the monitoring devices and placed in the left lateral position. Continuous oxygen was provided with a nasal cannula and IV medicine administered through a indwelling cannula. After adequate conscious sedation was achieved, the patient was intubated and the scope advanced under direct visualization to the second part of duodenum. The scope was subsequently removed slowly while carefully examining the color, texture, anatomy, and integrity of the mucosa on the way out. The patient was subsequently transferred to the recovery area in satisfactory condition.



Video endoscope was gently inserted in the upper esophagus. The endoscope was advanced to the GE junction, a structure that was located at 39 cm.

Confluent ulcerative esophagitis was noted at the Z-line along with peptic stenosis. No active bleeding was observed at the area of ulcerative esophagitis.

The ulceration was limited to 1 cm above the Z-line. Diaphragmatic hiatus was observed at 43 cm. I then passed the endoscope into the antrum and a retroflexed view revealed patulous diaphragmatic hiatus, Next I passed the endoscope into the duodenal bulb where several duodenal ulcerations were observed in the apex. One of the ulcerations contained a visible vessel was approximately 1 cm in diameter and in depth.

No active bleedingwas observed in the duodenal bulb. Descending duodenum was endoscopically normal. 15-18 mm TTS balloon was advanced through the operating channel of the endoscope. The endoscope was withdrawn into the distal esophagus and 15 through 18 mm dilatation of the peptic stenosis was performed resulting in fracture of the area of the peptic stricture.

Endoscope was then advanced into the antrum where multiple biopsies were performed and the tissue was sent for CLO testing.

The endoscope was then advanced to the duodenal bulb. 1 to 2 cc of dilute epinephrine was injected into the perimeter of the duodenal ulcer resulting in blanching of the mucosa.

7 French gold probe was then used to perform coapt of coagulation of the visible vessel utilizing affect 2 and 25 W. The vessel was destroyed.

Endoscope was withdrawn from the patient. The patient tolerated the procedure well.

Endoscopic Diagnosis:

2 duodenal ulcerations (1 with visible vessel) status post endoscopic therapy with destruction of visible vessel

4 cm sliding hiatal hernia

L. Ulcerative esophagitis

Peptic stenosis-status post 18 mm balloon dilatation Status post CLO testing-rule out Helicobacter pylori

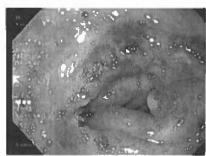
Recommendations:

Continue IV Protonix drip for another 24 hours













Procedure Report

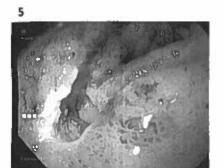
EGD

Check CLOtest results

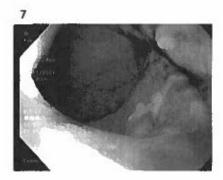
Patient will be a candidate for chronic PPI therapy because of hiatal hernia and ulcerative esophagitis. Advance to full liquid diet today and then advance tomorrow if stable

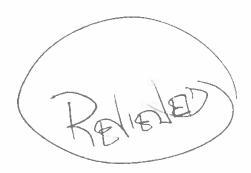
Signature: Douglas Howerton , M.D.

This Procedure was electronically signed off on 11/5/2021 3:03:26 PM By Douglas Howerton









Patient Name: CIENIEWICZ THOMAS

Date of Birth:

MRN: 1232226

